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JAN 22 2009

From: Fernando Alberto Grazziotin
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Brazil
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e-mail: grazziotin@tego.com.br

January 22, 2009

Via facsimile TO: fax phone number +1 571-273-8300

To: United States Patent and Trademark Office
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov
Fax phone number in this case: 571-273-8300


Matt Benvenuti (Examiner)
George Nguyen (Examiner's supervisor)
Quang T Van (Primary Examiner)???
Nguyễn Ngọc-Hồ (Paralegal Specialist)

Re: OFFICE ACTION - Mail Date: NOVEMBER 7, 2008
United States Patent Application/Control Number: 10/599,206
Filing date: 9/22/2006; Art Unit: 4159
Title: BAG FORMED BY A SET OF DETACHABLE BAGS
Attorney Docket NO.: GRAZ0101PUSA
Applicant: Grazziotin, Fernando Alberto
First Named Inventor: Fernando Alberto Grazziotin
Examiner: Matt Benvenuti (whose telephone number is 571-270-5704)
Examiner's supervisor: George Nguyen (can be reached on 571-272-4491)
Primary Examiner, Art Unit 3742: /Quang T Van/ ??? (page NO. 9 of Office Action)

Please, I wish that you read INSTRUCTIONS TO AGENT (24 pages), especially
ITEM A and the APPENDIX.
Total: this page + 24 pages = 25 pages.

Thank you for your attention.

Respectfully,


Fernando Alberto Grazziotin
Applicant and Inventor
New Fax phone number: +55 54-3601-2642
E-mail: grazziotin@tego.com.br

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January 22, 2009

Via e-mail: JNEMAZI@brookskushman.com
and cbielaniec@brookskushman.com

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John Nemazi (e-mail: JNEMAZI@brookskushman.com)
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With Copy to Examiner, USPTO:
Via facsimile: fax number 571-273-8300
Matt Benvenuti (Examiner)
George Nguyen (Examiner's supervisor)
Quang T Van (Primary Examiner)
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Dear Sirs:

In regards to the above mentioned OFFICE ACTION, I kindly ask that you prepare a response according to the demands mentioned by the examiner as well as according to the following four items: ITEM A (on the part which I now express), ITEM B (on the part which in a near future, i.e., after adjustments, I will express), ITEM C (on the steps regarding the examiner in this OFFICE ACTION), and ITEM D (on the deadline extension with the due payment of additional fees, if necessary).

ITEM A

On the part which I now express

ITEM A is quite long and is directed mostly to the Examiner, not to the agent; therefore, following I present a summary of ITEM A with its objective; afterwards, after my signature, an APPENDIX shows the contents of ITEM A.

Summary of ITEM A

Applicant Grazziotin developed ITEM A in order to present to the Examiner of the USPTO, Mr. Matt Benvenuti, a history of the facts and opinions of inventor and applicant Grazziotin; its objective is for the examiner to acknowledge that in a broad sense the BAG FORMED BY A SET OF DETACHABLE BAGS is novel, non-obvious, and industrially applicable. As a

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result, the examiner will speak favorably to the granting of the patent after the making of the necessary adjustments.

Therefore, in regards to ITEM A, at this stage the applicant asks his agent (Brooks-Kushman) to certify that examiner Matt Benvenuti has received and read this correspondence, especially, the contents of the APPENDIX, which is a part of this correspondence. The agent should contact the examiner to certify that he has received a copy of this correspondence, and if necessary he should send a copy of this correspondence to the examiner.

ITEM B

On the part which in a near future, i.e., after adjustments, I will express

This part is directed to the representative (patent agent) (Brooks-Kushman). Applicant and inventor Grazziotin gives instructions and authorizes agent Brooks-Kushman to continue preparing the necessary adjustments to respond to the OFFICE ACTION.

First Instruction:

I, Fernando Alberto Grazziotin, Applicant and Inventor, authorize Brooks-Kushman to continue the work regarding the filing of the Patent. I kindly request Brooks-Kushman to PREPARE THE ADJUSTMENTS according to the contents of the OFFICE ACTION, adjusting the patent request to the North-American legislation.

ITEM C

On the steps regarding the examiner in this OFFICE ACTION

Second Instruction:

I, Fernando Alberto Grazziotin, Applicant and Inventor, request that before the response to the pending OFFICE ACTION is filed THE ADJUSTMENTS PREPARED BY THE AGENT are presented to the examiner so that he may state if they are in accordance with the expected and if, as a result of the PREPARED ADJUSTMENTS, he (examiner) will be able to express favorably to the granting of the Patent. If the examiner points out flaws in the PREPARED ADJUSTMENTS, I kindly request the agent to make the necessary adjustments in compliance with the statements of the examiner.

During these steps, if any relevant matter appears, I kindly request the agent to communicate them to me, applicant Grazziotin, sending the information to the following e-mail address: grazziotin@tego.com.br

During the above mentioned steps, if possible and adequate, I would also like to exchange e-mails directly with the examiner; finally, I ask for the e-mail address of examiner to be informed to me.

ITEM D

On the deadline extension with the due payment of additional fees, if necessary

Third Instruction:

I, Fernando Alberto Grazziotin, Applicant and Inventor, request the response to the OFFICE ACTION to be made as soon as possible. However, I prefer to make all the necessary ADJUSTMENTS before the response is filed so that the examiner finds the conditions to be favorable to the grant of the Patent soon after the response is filed.

I, Fernando Alberto Grazziotin, Applicant and Inventor, consider that taking advantage of the opportunity to dialogue with the examiner is very important, as well as the agile making all the necessary adjustments. Therefore, I prefer to pay for additional costs if

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the payment of fees is necessary in order to extend the deadline so that all pending matters are solved quickly, evidently in the shortest time possible, within legal deadlines, and striving for quality.

Finally, I ask my patent agent to act according to the instructions presented herein and to keep me informed about the ongoing process both in regards to the manifestation of the examiner as to the ADJUSTMENTS and in regards to the manifestation of the examiner as to ITEM A and the APPENDIX.

The APPENDIX follows the present page.

Thank you for your attention.

Respectfully,

Fernando Alberto Grazziotin
Applicant and Inventor
E-mail: grazziotin@tego.com.br

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APPENDIX

ITEM A – Part which I now express

IN REGARDS TO
 Claim Rejections – 35 USC § 103
 Pages 5-7

I was surprised by the rejections mentioned based on provisions number 12 and 13, transcribed as follows (the circles around "ordinary skill" and "objective evidence" were made by me):

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1986), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

It is my understanding that the "Claims Rejections – 35 USC § 103" may be removed provided that the claims are better structured.

The following extract was taken from Webster's Revised Unabridged Dictionary (1913), edited by Noah Porter.

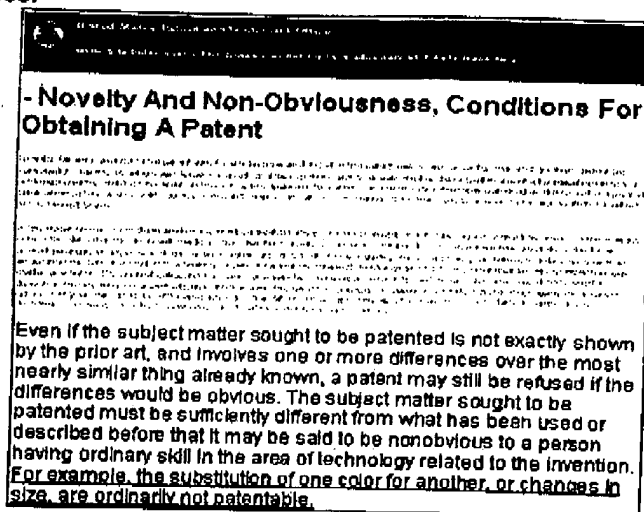
Webster's Revised Unabridged Dictionary (1913), edited by Noah Porter.	
Ordinary	
(<i>n.</i>)	
The mass; the common run.	
(<i>n.</i>)	
That which is so common, or continued, as to be considered a settled establishment or institution.	
(<i>n.</i>)	
Anything which is in ordinary or common use.	
(<i>a.</i>)	
Common; customary; usual.	
(<i>a.</i>)	
According to established order; methodical; settled; regular.	
Webster's Revised Unabridged Dictionary (1913), edited by Noah Porter.	

Following I transcribe an excerpt from the link Novelty and Non-Obviousness, Conditions for Obtaining a Patent, General Information Concerning Patents (Revised January 2005), United States Patent and Trademark Office:

<http://www.uspto.gov/web/offices/pac/doc/general/index.html#novelty#novelty>

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Important observation: In the following figures, I maintained the heading of the United States Patent and Trademark Office in order to identify the source of the information presented. However, it should be clarified that the contents presented below the heading are just the parts to be called attention to; this was done in order to facilitate understanding. The complete texts are available at the site of the United States Patent and Trademark Office.



The part underlined in the text above shows examples of non-patentability. It is: "For example, the substitution of one color for another, or changes in size (...)".

It is obvious that there are other non-patentable cases; an expert in the subject matter will be able to do more than simply change a color or the width of something. However, the product and/or usual methods will go on developing within pre-determined conditions.

Meanwhile, different from the expert in the subject matter, the inventor removes himself from the usual, abandons methods that take into consideration pre-established conditions. Therefore, he finds solutions to problems by means of a configuration that is different from that which is the original, which **after being presented** may seem obvious, may seem that it treaded an easy path. In some cases, the higher the level of creativeness and effort towards the development, the simpler the solution presented will be, and the more obvious it may seem to some who have received it "ready". However, it is not because for some a solution may seem obvious that it should thus be considered. **One needs to evaluate it from the standpoint of those who possess an ordinary, just ordinary capacity.**

In the case at hand, i.e., a "BAG FORMED BY A SET OF DETACHABLE BAGS", the expert in the subject matter would tend, for example, to develop a product aiming to fit it in the dirt-receptacle, in the device-for-connection-around-the-external-surface of the inlet and/or outlet of the receptacle, for there are pre-established conditions that the expert in the subject matter would seek to adequate. This is an example of the type of usual, ordinary procedure. However, the expert would have to consider other aspects as well. These other aspects are related to shapes, mode of fabrication, operationalization, etc., which should all also be taken into consideration.

Intuition (revelation) is a result of the opposite, that is, it is the result of one's removal from already treaded paths. So much that usually the creative person does research only to know if there is already a solution for what interests him. If the creative person does not find an

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existing solution, the person seeks to try to create a solution; the person does not seek parts or pieces in order to set something later; this is the path taken by technicians in the subject matter (i.e., "a person having ordinary skill").

For technicians in the subject matter (appliers of the state of the art) it is more difficult to release one's "creating spirit" precisely because they remain connected to what is already materialized, to what already exists. In order to be creative they need to remove themselves from the state of the art. However, if they did so, they could not be considered "a person having ordinary skill".

Considering the possibility of an expert in the subject matter who has been assigned to solve a problem, if he develops a creative solution (one "from the spirit"), he will be revealing a creation of the spirit; he will be more than "a person having ordinary skill".

A creator does little research on the subject matter before developing and creating. A creator usually does not look for the solution of a problem outside; he does not look for the solution of a problem in the modification of something which already exists. A creator travels within his own being, and from there he expands to a universal connection. This is what happened in the development of the "BAG FORMED BY A SET OF DETACHABLE BAGS".

And this has been recognized by the ISA/AT in the International Application, as follows:

PATENT COOPERATION TREATY – PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY
Issued on 26 September, 2006
By the ISA/AT (International Searching Authority/Austrian):